



FH

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCS/142981

PRELIMINARY RECITALS

Pursuant to a petition filed August 10, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Green Lake County Department of Human Services in regard to Medical Assistance, a hearing was held on September 27, 2012, at Green Lake, Wisconsin.

The issue for determination is whether a decision by the Division of Hearings and Appeals now as to Petitioner's June 2012 BadgerCare+ application can have a practical effect.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Adam Spitler

Green Lake County Department of Human Services
Human Services Ctr
571 County Road A
Green Lake, WI 54941

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Green Lake County.
2. Petitioner applied for BC+ on or about June 27, 2012. She sought benefits for herself and child; her husband is covered by Medicare.

3. Petitioner's BadgerCare+ application was denied for failing to provide requested verification and because of income in excess of program income limits.
4. After Petitioner's application the agency sent Petitioner a written request for verification of self - employment income and Social Security disability income.
5. The agency has no record of receipt of the requested verification.

DISCUSSION

It is mandatory that income be verified as part of the BadgerCare+ eligibility determination. *BadgerCare+ Eligibility Handbook (BEH)*, §9.9.

Petitioner's testimony was credible as to having submitted the requested information. She does not, however, have any medical expenses for the period from the application to the date of this hearing on September 27, 2012. It was suggested that she reapply as soon as possible rather than waiting approximately a month for a decision. Per CARES records, she has done so. As there is no need for benefits back to June 27, 2012, this decision in this case is moot. A matter is moot if the review sought cannot have a practical effect on the existing controversy. See *Racine v. J-T Enterp.*, 64 Wis. 2nd 691, 702; 221 N.W. 2nd 869, 875 (1974). Providing eligibility now for benefits back to June 2012 has no practical effect.

Petitioner may file another hearing request if she does not believe that the agency decision on the new application is correct.

CONCLUSIONS OF LAW

The instant appeal is moot because a decision on the merits can have no practical effect.

THEREFORE, it is

ORDERED

This case is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

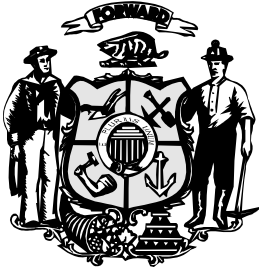
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 31st day of October, 2012

David D. Fleming
Administrative Law Judge
Division of Hearings and Appeals

c: Division of Health Care Access and Accountability, DHSDHADHCAA@Wisconsin.gov -
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The preceding decision was sent to the following parties on October 31, 2012.

Green Lake County Department of Human Services
Division of Health Care Access and Accountability